

Remarks/Arguments

The application has been carefully reviewed in light of the Office action. By way of the present amendment, claims 7, 12, 14, 16, 19, 20 and 22 have been amended and claim 21 has been canceled without prejudice. Support for the amended language found in claims 7, 12, 14 and 16 can be found, for example, in paragraphs [0016], [0032], [0041] and [0042] of the specification. Further support for the “measured by at least one of the plurality of transducers” language of claim 14 can be found, for example in paragraphs [0019] and [0020].

Upon entry of the present amendment, claims 7, 8, 12, 14-20 and 22 will stand pending in this application. Applicants respectfully request reconsideration and allowance of the application.

Applicants would like to thank Examiner Cheng for the careful consideration given the present application. Moreover, Applicants would like to thank Examiner Cheng and Supervisory Examiner Long V. Le for the telephone interview conducted on July 8, 2009, initiated and scheduled in advance by the undersigned. Examiner Cheng, Supervisory Examiner Le and the undersigned (i.e., Stephen S. Wentsler) attended the telephone interview. The rejections of all of the claims set forth in the final Office action dated April 13, 2009 were discussed including the Brainard, II, Takeuchi publication, Greenwood publication (2003/0172734), and the Erikson patent applied in the April 13, 2009 Official action. The “Proposed Claim Set for Discussion Purposes Only” found in Exhibit A was also faxed to Examiner Cheng before the interview and discussed with Examiner Cheng and Supervisory Examiner Le during the interview. Examiner Cheng and Supervisory Examiner Le agreed that the proposed amendment to the claims would overcome the claim objections and rejections set forth in the April 13, 2009 Official action. In particular, the amendment to claims 19, 20 and 22 were agreed to overcome the objection to the claims set forth in the Official action. Claim 21 was canceled to avoid redundancy with claim 14 since claim 14 already recites that the plurality of transducers are each adapted to transceive an ultrasonic signal.

Examiner Cheng and Supervisory Examiner Le also agreed that the proposed amendment to the claims would distinguish over the prior art of record. For example, with respect to claims 7, it was agreed that the prior art fails to teach or suggest “the viscosity of the middle ear effusion is measured based on an analysis of a first pulse echo reflected from the tympanic membrane and a second pulse echo reflected from a middle ear cavity of the human patient.” With respect to

claim 12, it was agreed that the prior art fails to teach or suggest the viscosity of the middle ear effusion being determined “based on an analysis of a first pulse echo reflected from the tympanic membrane and a second pulse echo reflected from a middle ear cavity of the human patient.” With respect to claim 16, it was agreed that the prior art fails to teach or suggest the viscosity of the fluid in the middle ear cavity being “measured based on an analysis of a first pulse echo reflected from the tympanic membrane and a second pulse echo reflected from the middle ear cavity.” For similar reasons, it was agreed that the prior art fails to teach or suggest the limitations of claim 14. In order to expedite prosecution, the undersigned also agreed to further amend claim 14 to remove the “means for” terminology and recite the apparatus and transducers within a wherein clause at the end of claim 14. It is believed that claim 14 is amended herein in accordance with the suggestions of Examiner Cheng and Supervisory Examiner Le.

Accordingly, as set forth above, applicants believe that claims 7, 8, 12, 14-20 and 22 are in condition for allowance. Accordingly, applicants respectfully request notice of allowance of the application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. BIM-34968US2.

Respectfully submitted,
PEARNE & GORDON LLP

By: /Stephen S. Wentsler/
Stephen S. Wentsler, Reg. No. 46403

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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